



CITY OF MEMPHIS

COUNCIL AGENDA

February 3, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (Jan. 20, 2004)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCES - FIRST READING

1. **ORDINANCE** rezoning the southeast side of Summer Avenue; +197 feet south of Shelby Oaks Drive, containing 7.92 acres in the Agricultural (AG) & Agricultural Flood Plain (AG{FP}) Districts, up for F I R S T reading.

Peete

Ordinance No. 5039

Case No. Z 03-130

Applicant: William H. Thomas, Jr.
ETI Corporation – Representative

Request: Light Industrial (I-L) & Light Industrial Flood Plain (I-L{FP}) Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** rezoning the west side of Billy Maher Road; +300 feet south of Egypt Central Road, containing 36.85 acres in the Single Family Residential (R-S10) & Agricultural (AG) Districts, up for F I R S T reading.

Peete

Ordinance No. 5040

Case No. Z 03-132

Applicant: Durelle Sharpe
The Bray-Davis Firm – Representative

Request: Single Family Residential (R-S8) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - SECOND READING (none)

ENGINEERING

3. RESOLUTION approving final plat of BOUNTIFUL BLESSINGS SUBDIVISION.
Case No. S 03-016

Resolution approves the final plat located on the north side of East Georgia Avenue, 142.45 feet west of Danny Thomas Boulevard. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION accepting GLEN LAKES P.D., PHASE 1, and authorizing release of bond.
Case No. PD 01-320cc
(Contract No. CR-4741)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Houston Levee Road, 2507.85 feet south of Morning Sun Road. The standard improvement contract was approved on September 17, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$45,000.00. This action is subject to county approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting NEW DIRECTION CHRISTIAN CHURCH, and authorizing release of bond.
(Contract No. CR-4746AM)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Fann Road, south of Winchester Road. The standard improvement contract was approved on January 7, 2003. Resolution also authorizes the release of the performance bond in the amount of \$51,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting SHELBY WOODLANDS P.D., PHASE 6, and authorizing release of bond.
Case No. PD 94-302cc
(Contract No. CR-4773)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Ridge Walk Lane, south of Shelby Drive. The standard improvement contract was approved on January 21, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$10,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving engineering plans of MLG&W Dunlap Substation-Sewer Improvements.
Contract No. CR-4849

Resolution approves the engineering plans located on the north side of Alabama Avenue, 298.55 feet east of Mosby Avenue. Cost of the required improvements to be borne by the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

8. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 03-365cc – CARLYLE PLACE II PLANNED DEVELOPMENT

Located on the west side of Pisgah Road; +2,150 feet south of Latting Road, containing 20.24 acres in the Agricultural (AG) District

Applicant: Michael H. Patrick
Michael J. Fahy (Prime Development Group)- Representative

Request: A maximum of 101 residential lots

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 17, 2004



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Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

9. RESOLUTION honoring Deloris Davis.

Lowery

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

10. RESOLUTION approving temporary structures on the street for the 5K Walk/Run, April 24, 2004, from 7:00 a.m. until 12:00 p.m.

Taylor

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

11. RESOLUTION accepting an offer to purchase the City's interest in a portion of a parcel owned by City of Memphis and County of Shelby located on the west side of Summer Avenue to the State of Tennessee for the Summer Avenue Project, State Project No. 79011-2247-14, Federal Project No. STP-1 (93).

Jones

Resolution approves an Offer to Purchase the City's interest in a portion of a parcel owned by City of Memphis and County of Shelby to the State of Tennessee for the Summer Avenue Project, State Project No. 79011-2247-14, Federal Project No. STP-1 (93). Per ordinance, the sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading shall be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale.

Director of General Services and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting an offer to purchase the portion of a parcel owned by City of Memphis located on the east side of Walnut Grove Road to the State of Tennessee for Tract 10 of the Walnut Grove Road Project, State Project No. 79064-2402-54, Federal Project No. STP-M-2818(6).

Jones

Resolution approves an Offer to Purchase a portion of a parcel owned by City of Memphis to the State of Tennessee for Tract 10 of the Walnut Grove Road Project, State Project No. 79064-2402-54, Federal Project No. STP-M-2818(6). Per ordinance, the sale of the subject property is not subject to the offer laying

over for a second reading and Council approval on the first reading shall be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale.

Director of General Services and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES

13. RESOLUTION to amend the FY 2004 Capital Improvement Budget by transferring and appropriating an allocation of \$34,500.00 funded by G.O. Bonds General from other costs to Architect/Engineering in CIP Project GA013 Neighborhood Demonstration Grant Program.

Chumney

Director of Public Services and Neighborhoods recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

14. RESOLUTION amending the Capital Improvement Program by changing from two 48” Air Oper Roller Applicators to three 60” Air Oper Roller Applicators, in the amount of \$13,000.00, for the Division of Engineering’s Capital Acquisitions for FY2004.

Hooks

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION appropriating \$99,363.00 in Sewer Funds for Wolf River/Gray’s Creek Interceptor Sewer Extension project number SW058 for construction contract with Pressure Concrete, Inc.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$21,608.00 in G.O. Bonds from Drainage project number PW120 to Harrison Drainage District project number PW481 for a construction contract with Dixieland Contractors.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES -THIRD AND FINAL READING

17. **JOINT ORDINANCE** amending the Memphis and Shelby County Office of Code Enforcement Commercial Demolition Program, up for T H I R D and F I N A L reading.(Held from 1/20)

Peete

Ordinance No. 5035

ACTION REQUESTED: Take whatever action Council deems advisable

18. **ORDINANCE** to amend portions of City of Memphis, Code of Ordinances, Chapter 33, Division 2: Sewer Fees and Charges, so as to modify sections to increase sewer fees to ensure stability of the Sewer Fund, up for T H I R D and F I N A L reading.

Hooks

Ordinance No. 5036

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCE - THIRD AND FINAL READING

19. **ORDINANCE** rezoning the north right-of-way line of McLemore Avenue and proceeding approximately three thousand (3,000) feet or half (0.5) a mile southwardly to the south right-of-way line of South Parkway East, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5037
Case No. SNC 03-802

Applicant: John H. Freeman

Request: Change name to "Willie Mitchell Boulevard"

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

74 NOTICES MAILED ON JANUARY 23, 2004

DIVISION OF PLANNING & DEVELOPMENT

20. RESOLUTION approving a special use permit located on the northwest corner of Raines Road and Neely Road, containing 6.41 acres in the Planned Commercial (C-P) District. (Held from 8/19; 9/2; 9/16; 10/21; 11/4; 11/18; 12/2; 1/6; 1/20)

Peete

Case No. SUP 03-207

Applicant: Cummings Street Baptist Church
Grant Madsen – Representative

Request: Church Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

21. RESOLUTION requesting a waiver of a special use permit for the Red Roof Inn, located at 3875 American Way.

Peete

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

22. RESOLUTION approving a street and alley closure located south of Shady Elm Street, containing 6,559 square feet.

Peete

Case No. SAC 03-616

Applicant: Griffin Park, LLC

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

35 NOTICES MAILED ON JANUARY 23, 2004

ADJOURNMENT